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Carneys Point Township

CARNEYS POINT TOWNSHIP,

Plaintiff,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY AND SHERYL TELFORD,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – SALEM COUNTY
DOCKET NO.: SLM-L-251-16

Civil Action

SUBPOENA DUCES TECUM

United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 10460

YOU ARE HEREBY COMMANDED TO produce the documents identified in Exhibit A to Plaintiff Carneys Point Township by October 27, 2017 at the offices of Meyner and Landis, LLP located at One Gateway Center, Suite 2500, Newark, New Jersey 07102 in the above-entitled action.

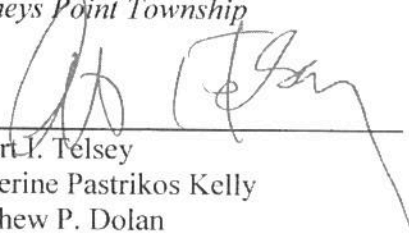
PLEASE TAKE FURTHER NOTICE that your failure to comply according to the command of this Subpoena will subject you to a penalty, damages in a civil suit, and punishment for contempt of Court.

Michelle M. Smith
Michelle M. Smith, Esq.

Clerk of the New Jersey Superior Court

MEYNER & LANDIS LLP
Attorneys for Plaintiff
Carneys Point Township

By:



Albert J. Telsey
Catherine Pastrikos Kelly
Matthew P. Dolan

DATED: September 29, 2017

SCHEDULE A
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

I. DEFINITIONS

1. **“ACO”** means an Administrative Consent Order issued by DEP.
2. **“All DuPont Sites”** means all locations in New Jersey where DuPont owned and/or leased or currently owns or leases property, including but not limited to the Chambers Works Site, Pompton Lakes, Cookson (Newark), Repauno, Edison and Linden.
3. **“Amended ACO”** means an amendment to a previously issued ACO.
4. **“Application for ISRA Non-Applicability”** means a request with support for why a certain real estate, non-real estate asset or stock transfer or transaction does not trigger ISRA submitted to DEP by application, letter, email or other Communication.
5. **“Carneys Point Township, NJ”** means Carneys Point Township, New Jersey, Salem County, and any servants, employees, agents, attorneys or other representatives and any person acting or purporting to act on its behalf, including but not limited to the Clerk, Township Committee and Planning Board.
6. **“Chambers Works Site”** means the Chambers Works Complex currently owned by Chemours, located at State Highway 130 (Shell Road), Deepwater, New Jersey.
7. **“Chemours”** means collectively The Chemours Company, The Chemours Company, LLC, the Chemours Company FC, LLC, and any divisions, affiliates, subsidiaries, predecessors in interest, successors, assigns, servants, officers, directors, employees, agents, attorneys or other representatives and any person acting or purporting to act on their behalf, including but not limited to Bernard Reilly, Esq., Michael Lukas, Stephen Rahaim, Esq., Sheryl Telford or anyone else working within the Chemours EHS & Remediation Group.

8. **“ConocoPhillips”** means ConocoPhillips Co. and any divisions, affiliates, subsidiaries, predecessors in interest, successors, assigns, servants, officers, directors, employees, agents, attorneys or other representatives and any person acting or purporting to act on its behalf, including but not limited to Linda G. Hester.

9. **“Communication,” “communications,” “communicate,” and “communicated”** shall mean any oral, written, or recorded utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, e-mails, voicemails, text messages, oral or written conversations, facsimiles, letters, telegrams, cables, telexes, dialogues, discussions, negotiations, interviews, consultations, telephone calls, agreements, and other understandings, among two or more persons. The term “communication” includes written summaries of any of the foregoing communications.

10. **“DEP”** means the New Jersey Department of Environmental Protection, and any divisions, affiliates, subsidiaries, predecessors in interest, successors, assigns, servants, officers, directors, employees, agents, attorneys or other representatives and any person acting or purporting to act on its behalf, including but not limited to Commissioner Bob Martin, Kevin Kratina, George Schlosser, Richard Engel, Tina Layre, Steve Maybury, Gwen Zervas, Linda Range, Maurice Migliarino, Melanie Kakas, Janine MacGregor, Mark Pedersen, Tony Farro, Phil Cole, Jennifer Meyer, Zafar Billah, Thomas Giordano, Kathy Katz, Bhavani Surendran, John Dickinson, Anthony Cinque, Nadine Drake, Gary Wild, David Haymes, Monica Marchitelli, Levone Aviles, Sheila Hart, Mindy Mumford, Kevin Kloo, Ray Cantor, Catherine Tormey, David L. Glass, Jim Bono, Matt Coefer, and Kirstin Pointin-Hahn.

11. **“Document”** is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.

12. **“DuPont”** means E. I DuPont de Nemours and Co., and any divisions, affiliates, subsidiaries, predecessors in interest, successors, assigns, servants, officers, directors, employees, agents, attorneys or other representatives and any person acting or purporting to act on its behalf, including but not limited to Bernard Reilly, Esq., Michael Lukas, Stephen Rahaim, Esq., Sheryl Telford or anyone else working within the DuPont Corporate Remediation Group.

13. **“ISRA”** means the New Jersey Industrial Site Recovery Act.

14. **“Letters Of Non-Applicability Referenced In The Sheryl Telford Letter”** means the application with supporting documents and the Letter of Non-Applicability related to the Applications for ISRA Non-Applicability that are referenced in the Sheryl Telford Letter, including but not limited to General Motors LNA N19984148, PSE&G LNAs N19993416 and N19993419 through N19993434, Fort James LNA N19951934, General Dynamics LNA N19972432 and the 2012 ConocoPhillips-Phillips 66 spin-off.

15. **“Manko Gold”** means Manko, Gold, Katcher & Fox LLP and any divisions, affiliates, subsidiaries, assigns, servants, officers, directors, employees, agents, attorneys or other representatives and any person acting or purporting to act on its behalf, including but not limited to Bruce Katcher and Matthew Sullivan.

16. **“Pennsville Township, NJ”** means Pennsville Township, New Jersey, Salem County, and any servants, employees, agents, attorneys or other representatives and any person acting or

purporting to act on its behalf, including but not limited to the Clerk, Township Committee and Planning Board.

17. **“PricewaterhouseCoopers LLP”** means PricewaterhouseCoopers LLP and any divisions, affiliates, subsidiaries, assigns, servants, officers, directors, employees, agents, attorneys or other representatives and any person acting or purporting to act on its behalf.

18. **“PSE&G”** means Public Service Electric & Gas Company and any divisions, affiliates, subsidiaries, assigns, servants, officers, directors, employees, agents, attorneys or other representatives and any person acting or purporting to act on its behalf.

19. **“Relating to”** means concerning, relating to, reflecting, referring to, having a relationship to, pertaining to, identifying, containing, pertinent to, setting forth, showing, disclosing, describing, explaining, summarizing, evidencing, or constituting, directly or indirectly, in whole or in part, or to be otherwise factually, legally or logically connected to the subject matter of the particular Request.

20. **“Restructuring”** means the real property, non-real estate assets and stock transfers and transactions between DuPont and Chemours.

21. **“SEC”** means the United States Securities and Exchange Commission and any divisions, affiliates, subsidiaries, assigns, servants, officers, directors, employees, agents, attorneys or other representatives and any person acting or purporting to act on its behalf.

22. **“Sheryl Telford Letter”** means the letter, dated January 30, 2015 and attachments sent by Sheryl L. Telford, Director DuPont Remediation Group, to Kevin F. Kratina of DEP regarding the purported non-applicability of ISRA to DuPont’s Restructuring.

23. “**Skadden, Arps, Slate, Meagher & Flom LLP**” means Skadden, Arps, Slate, Meagher & Flom LLP and any divisions, affiliates, subsidiaries, assigns, servants, officers, directors, employees, agents, attorneys or other representatives and any person acting or purporting to act on its behalf, including but not limited to Lou R. Kling, Esq. and Brandon Van Dyke, Esq.

24. “**You**” or “**Your**” means United States Environmental Protection Agency and any divisions, affiliates, subsidiaries, assigns, servants, officers, directors, employees, agents, attorneys or other representatives and any person acting or purporting to act on its behalf.

II. INSTRUCTIONS

1. These Requests are intended to include all information in Your possession, or subject to Your custody or control, whether directly or indirectly. Information is deemed to be within Your possession, custody, or control if:

- (a) it is within Your possession;
- (b) it is within the knowledge or possession of any other person or entity and You have the right to obtain the information from such person or entity;
- (c) it is contained in a document within Your physical control; or
- (d) it is contained in a document within the physical control of any other person or entity, and You:
 - (i) own the document in whole or in part;
 - (ii) have a right by contract, statute, or otherwise, to use, inspect, examine or copy that document on any terms; or

(iii) have, as a practical matter, been able to use, inspect, examine, or copy that document when You have sought to do so.

2. All grounds for an objection to a Request shall be stated with specificity. Any ground not stated in a timely objection is waived unless Your failure to object is excused by the Court for good cause shown.

3. If You believe that the use of any term in these Requests is ambiguous or if You do not understand any of these Requests, definitions, or instructions, before asserting an objection related thereto, You should immediately contact the undersigned and seek a clarification.

4. Unless otherwise defined, the terms used herein should be read and construed in accordance with the English language and the ordinary meanings and definitions attached thereto.

5. If, for any reason, You are unable to produce in full any document requested, produce each such document to the fullest extent possible.

6. If you seek to withhold or do withhold any document, in whole or in part, on the basis that it is not subject to discovery, produce a list of all such documents and, as to each such document, state:

- a. The name, title and employer of each author, writer, sender or initiator of each such document;
- b. The name, title and employer of each recipient, addressee or party to whom such document was sent or intended to be sent;
- c. The name, title and employer of each and every person who received a copy of the document;

- d. The date of the document or, if no date appears on the document, the date the document was prepared;
- e. A description of the document and its subject matter as shall be sufficient to identify the document; and
- f. The grounds claimed for withholding the document from discovery (e.g., attorney-client privilege, work product, or any other grounds), and the factual basis for such a claim.

7. All documents responsive to a Request should be produced as they are kept in the usual course of business or in and with a file folder or other document (e.g., envelope, file cabinet marker) in or with which the document was located when these Requests were served.

8. All documents produced shall be organized and labeled to correspond to the Request(s) to which they are responsive. If a document or other thing is responsive to more than one Request, it shall be labeled to correspond to the request to which it is first responsive.

9. These Requests are continuing in nature. If, after responding, You obtain or become aware of any further documents which are responsive to these requests, supplementary production is required.

10. The use of any masculine pronoun herein shall include the feminine and the neutral, and the use of any neutral pronoun shall include the masculine and the feminine. The use of any singular construction shall include the plural, and the use of the plural shall include the singular.

III. REQUESTS FOR DOCUMENTS

1. All Documents and Communications from January 1, 2012 to the present relating to ISRA and DuPont's Restructuring, including but not limited to any of Your internal Correspondence or Documents and any Communications sent or received between You and:
 - a. Manko Gold;
 - b. DuPont;
 - c. Chemours;
 - d. DEP;
 - e. AECOM or any other environmental consultant used by Chemours or DuPont;
 - f. Joseph DiNicola, Esq. or Joseph DiNicola, Jr., Esq.;
 - g. ConocoPhillips;
 - h. PSE&G;
 - i. Pennsville Township, NJ;
 - j. Carneys Point Township, NJ;
 - k. SEC;
 - l. PricewaterhouseCoopers LLP; and
 - m. Skadden, Arps, Slate, Meagher & Flom LLP.
2. All Documents and Communications from January 1, 2012 to the present relating to ACOs or Amended ACOs for All DuPont Sites in New Jersey regarding DuPont's Restructuring including but not limited to any of Your internal Communications or Documents and Communications sent or received between You and all persons and/or entities referenced in 1(a-m), above.
3. All Documents and Communications from January 1, 2012 to the present relating to DuPont's remediation funding sources and/or financial assurance obligations regarding all environmental programs applicable to the Chambers Works Site, including but not limited to any of Your internal Communications or Documents and Communications relating to remediation and hazardous waste management sent or received between You and all persons and/or entities referenced in 1(a-m), above.
4. All Documents and Communications from January 1, 2012 to the present relating to the Letters Of Non-Applicability Referenced In The Sheryl Telford Letter, including but not limited to any Communications sent or received between You and all persons or entities referenced in 1(a-m), above.
5. All Documents and Communications from January 1, 2012 to the present relating to the Sheryl Telford Letter, including but not limited to Your internal Communications and Documents and Communications sent or received between You and all persons and/or entities referenced in 1(a-m), above.

6. All Documents and Communications from January 1, 2012 to the present relating to: (i) DuPont's transfer to Chemours of the deed to the Chambers Works Site; (ii) the transfer of DuPont stock and non-real estate assets to Chemours; or (iii) the Merger Agreement, dated December 11, 2015, between DuPont and The Dow Chemical Company, including but not limited to any of Your internal Communications or Documents and Communications sent or received between You and all persons and/or entities referenced in 1(a-m), above.
7. All Documents and Communications from January 1, 2012 to the present relating to: (i) the efforts of Chemours and/or DuPont to delineate contaminated groundwater at and/or emanating from the Chambers Works Site; (ii) the efforts of Chemours and/or DuPont to post a remediation trust fund with DEP for the Chambers Works Site; (iii) the efforts of Chemours and/or DuPont to establish a public participation plan for the Chambers Works Site; or (iv) the efforts of Chemours and/or DuPont to obtain a remedial action permit for groundwater remediation at the Chambers Works Site, including but not limited to Your internal Communications or Documents and any Communications sent or received between You and all persons and/or entities referenced in 1(a-m), above.